



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

19 OCT 2006

HEDMAN & COSTIGAN P.C.  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

In re Application of	:	
TRIFONI, Eduardo et al.	:	
Application No.: 10/524,040	:	DECISION ON
PCT No.: PCT/EP03/09554	:	
Int. Filing Date: 28 August 2003	:	PETITION
Priority Date: 28 August 2002	:	
Attorney Docket No.: 267.187	:	UNDER 37 CFR 1.47(a)
For: MEMBRANE ELECTROCHEMICAL	:	
GENERATOR	:	

This is a decision on applicants' "Renewed Rule 47(A) Petition," filed in the United States Patent and Trademark Office (USPTO) on 31 May 2006.

**BACKGROUND**

On 21 March 2006, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 31 May 2006, applicant filed a renewed petition under 37 CFR 1.47(a).

**DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1), (3), and (4) were previously satisfied. The balance of the \$200 petition fee will be charged to deposit account no. 02-2275, as authorized. Applicants list Eduardo Trifoni's address as Via Donizetti 5, I-80127 Napoli, Italy. The 09 February 2005 declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47(a).

Item (2) has not been satisfied. Applicants has not furnished evidence of receipt of the complete copy of the application papers, including the declaration, by the non-signing inventor. A return mail receipt or other evidence supporting applicants' allegation of refusal to join after presentation with a complete copy of the application papers should be included. MPEP 409.03(d). Anna Tuosto does not detail the presentation of the papers. Further, applicant has not furnished a complete copy of the papers submitted to the inventor, but rather has furnished only a translation of the cover letter. The Office cannot readily assess reasons that an inventor may not have returned the declaration without viewing what was presented to him.

**CONCLUSION**

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459